

(g) *Compliance schedule for wastewater treatment facilities.* The owner or operator of any wastewater treatment facility shall:

1. Notify the department's bureau of air management in writing by December 1, 1989 which of the hazardous air contaminants in Tables 1, 3 and 4 of s. NR 445.04 the source is capable of emitting and the allowable emissions of each hazardous air contaminant in the table by the source;

1m. Notify the department's bureau of air management in writing by January 1, 1992 which of diisobutyl ketone, methylene bis(4-cyclohexylisocyanate), p-nitrochlorobenzene and xylydine the source is capable of emitting and the allowable emissions of each substance by the source;

2. Submit to the department by April 1, 1992 a compliance plan for achieving compliance with subs. (1), (3), and (4); and

3. Achieve final compliance with subs. (1), (3), and (4) by April 1, 1993 if compliance consists of measures other than installation of emission control equipment (e.g., material substitution), or by April 1, 1994 if compliance requires installation of emission control equipment.

(7) CHLOROFORM AND FORMALDEHYDE STUDY AND COMPLIANCE REQUIREMENTS. (a) The department staff shall, after consultation with the department of health and social services by October 1, 1990, undertake and complete a study of the emissions of chloroform and formaldehyde. The study shall include an inventory of sources and amount of emissions of chloroform and formaldehyde in Wisconsin, and the control technologies available to control emissions of chloroform and formaldehyde. The department staff shall submit a report of its study to the natural resources board by January 1, 1991.

(b) The owner or operator of any source subject to sub. (3) which emits chloroform or formaldehyde in amounts greater than those listed in Group B of Table 3 of s. NR 445.04 for chloroform or formaldehyde shall:

1. Notify the departments' bureau of air management in writing by December 1, 1989 that the source is capable of emitting chloroform or formaldehyde and the allowable emission of chloroform or formaldehyde by the source;

2. Submit to the department by April 1, 1992 a compliance plan for achieving compliance with the emission limits under sub. (3) for chloroform and formaldehyde; and

3. Achieve final compliance with the emission limits under sub. (3) for chloroform and formaldehyde by April 1, 1993 if compliance consists of measures other than installation of emission control equipment (e.g., material substitution), or by April 1, 1994 if compliance requires installation of emission control equipment.

(c) 1. An owner or operator of a source in the pulp and paper industry may obtain up to a 2 year extension of the compliance deadlines in sub. (6) (g) 3 or par. (b) 3 for chloroform emissions, if the owner or operator at least 180 days prior to the final compliance deadline in sub. (6) (g) 3 or par. (b) 3 requests in writing an extension and submits information which demonstrates all of the following:

a. Reasonable progress is being made towards meeting BACT requirements, which at a minimum includes: no increase in chloroform

emissions above present levels; and a schedule which is acceptable to the department for testing, installing and beginning operation of BACT.

b. Good faith efforts have been made to comply with sub. (7) (b) 3.

c. Pollution prevention alternatives, operating procedures and other available alternatives should be evaluated and if reasonably available, should be implemented during the extension period.

d. Compliance with the deadlines in sub. (6) (g) 3 or par. (b) 3 is technologically infeasible or would cause a substantial economic detriment to the owner or operator or would result in a significant problem associated with another inconsistent compliance deadline which applies to the source.

e. Prudent planning has been employed by the requestor prior to the extension period.

2. The department shall prepare an environmental assessment for each of the requests for an extension under this paragraph.

3. The department shall publish a class 1 notice under ch. 985, Stats., on any request for an extension under this paragraph, and shall receive public comments on the request for a 30-day period beginning when the department publishes the notice. The department may hold a public hearing on any request for a deadline extension under this paragraph if a request for a hearing is made during the public comment period and the department determines that there is a significant public interest in holding a hearing.

(8) VARIANCE. The owner or operator of a source may apply for and the department may grant a variance from an emission limitation of sub. (3) (a) or (5) if the applicant demonstrates to the satisfaction of the department that compliance with sub. (3) (a) or (5) would be economically infeasible, and that residual emissions of the hazardous air contaminant in question would not cause significant harm to the environment or public health, and the source's emissions are controlled to a level which is the best available control technology. The department shall publish a notice of and hold a public hearing on any preliminary determination to approve a variance request under this subsection. The department shall grant or deny a variance request within 90 business days after the close of the public hearing on the request. The department shall review any variance granted under this subsection on a 5 year basis. Following its review and after notice and an opportunity for a public hearing and public comment, the department may modify, extend or rescind the variance.

History: Cr. Register, September, 1988, No. 393, eff. 10-1-88; am. (4) (intro.) to (b), (5), (6) (intro.), (a) 1. (intro.), c., 2. (intro.), c., 3. (intro.), c., (b) 3., (c), (e), (f) 1. to 3. a., (g) 3. and (7) (b) 3., cr. (6) (am), (b) 1m. and (g) 1m., Register, May, 1992, No. 437, eff. 6-1-92; cr. (7) (c), Register, January, 1993, No. 445, eff. 2-1-93.

NR 445.06 Hazardous air contaminant review. (1) The department staff shall consult with the department of health and social services prior to incorporating an emission limit under s. NR 445.04 (1) (a) 2 or 445.05 (1) (a) 2 in an order or a permit.

(2) The department shall, after consultation with the department of health and social services, submit a report to the natural resources board which contains recommended acceptable ambient concentrations for the
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hazardous air contaminants listed in Table 4 of s. NR 445.04 by October 1, 1990. Unless a specific acceptable ambient concentration is recommended for a hazardous air contaminant, the acceptable ambient concentration for each hazardous air contaminant shall be the limits specified in s. NR 445.05 (4) (a) and (b).

(3) The department shall monitor changes in the classifications of hazardous air contaminants in Tables 1 to 4 of s. NR 445.04 as reported by the American conference of governmental industrial hygienists, the United States environmental protection agency, the international agency for research on cancer, and the national toxicology program and shall prepare rule modifications to the tables to incorporate these changes. The department shall presume that any hazardous air contaminant which is included on a list of known or suspected carcinogens by both the international agency for research on cancer and the national toxicology program is a hazardous air contaminant which should be listed in Table 3 of s. NR 445.04. This presumption may be overcome for adding or removing contaminants to or from Table 3 of s. NR 445.04 if the greater weight of the evidence demonstrates the presumption is incorrect.

(4) The department staff shall consult with the department of health and social services prior to establishing an emission limit, in a permit or order, for any hazardous air contaminant which is not listed in Table 1, 2, 3 or 4 of s. NR 445.04 or in threshold limit values and biological exposure indices for 1990-1991 adopted by the American conference of governmental industrial hygienists, incorporated by reference in ch. NR 484.

(5) The department staff shall, with the cooperation of affected industrial and municipal wastewater treatment facilities, by October 1, 1990, undertake and complete a study of the types and quantities of hazardous air contaminants emitted from wastewater treatment facilities and emission control techniques applicable to hazardous air contaminants emitted from wastewater treatment facilities. The department staff shall submit a report of its study to the natural resources board by January 1, 1991.

History: Cr. Register, September, 1988, No. 393, eff. 10-1-88; am. (4), Register, May, 1992, No. 437, eff. 6-1-92.

NR 445.07 Hazardous air contaminant limitations. The department may establish emission limitations for hazardous air contaminants for sources in permits or general or special orders issued by the department.

History: Renum. from NR 154.19 (2), Register, September, 1986, No. 369, eff. 10-1-86; renum. from NR 445.04 and am. Register, September, 1988, No. 393, eff. 10-1-88.

NR 445.08 Notice of hazardous substance air spills. Persons possessing or controlling a hazardous substance shall immediately notify the department of any hazardous emission not in conformity with a permit or allowed by the department under chs. NR 400 to 499. Notice shall be given as required by s. 144.76, Stats and ch. NR 158.

History: Renum. from NR 154.06 and am., Register, September, 1986, No. 369, eff. 10-1-86; renum. from NR 445.05, Register, September, 1988, No. 393, eff. 10-1-88; correction made under s. 13.93 (2m) (b) 7. Stats., Register, September, 1988, No. 393.